

REMARKS/ARGUMENTS

The claims are modified in the amendment. More specifically, claims 1 and 8 are amended. Therefore, claims 1-21 are still present for examination. No new matter is added by these amendments. Applicants respectfully request reconsideration of this application as amended.

35 U.S.C. § 112 and Finality

Although Applicants respectfully disagree with the new grounds of rejection under 35 U.S.C. § 112, claims 1 and 8 are amended to address the rejection. The rejection under 35 U.S.C. § 112 appears for the first time with this final Office Action. As this Office Action is final, it is not clear how the Applicant can present an amendment to correct these issues as there is no right to do so after a final Office Action.

For at least these reasons, Applicants believe the finality of this rejection is premature. As a matter of fairness, Applicants should have the ability to address new arguments and have these specific amendments entered without being subject to all the restrictions a final Office Action imposes.

35 U.S.C. §102/§103 Rejections, Lee et al. and Gross

The Office Action, dated May 6, 2005, has rejected claims 1-3 , 5, 8-11 and 15-20 under 35 U.S.C. §102(b) as being anticipated by the cited portions of U.S. Patent No. 5,883,824 to Lee et al. (hereinafter "Lee "). Further, the Office Action has rejected claims 4, 6-7, 12-14 and 21 under 35 U.S.C. §103(a) as being obvious over Lee in view of the cited portions of U.S. Patent No. 6,512,523 Gross (hereinafter "Gross"). Applicants respectfully traverse the rejection, as neither Lee or Gross teach or suggest an *instruction* comprising a *rounding factor* that indicates *which of a plurality of rounding algorithms* to be used.

Claims 1, 8, and 18 are the independent claims. Claim 1 calls for an "instruction comprising a rounding factor (that) indicates which of a plurality of rounding algorithms to use in producing the average." Claim 8 and 18 contain similar limitations.

In the Office Action, dated May 6, 2005, the Office stated that Lee discloses a "rounding factor (that) indicates which of a plurality of rounding algorithms should be used in producing the average" (Final Office Action, May 6, 2005, page 3, section 6.). The Office further asserts that Gross also discloses "the rounding algorithms" (*Id.*, page 6, section 9.a.). Applicants respectfully disagree.

1. Lee: The cited portions of Lee (col. 6, line 35 - col. 7, line 20) disclose an embodiment wherein "round odd logic is used to prevent ... biasing" (Lee, col. 6, line 58). The system of this embodiment is "implemented by the addition of a single OR gate" (*Id.*, col. 7, lines 1-2). There is not an instruction that can pick the rounding algorithm as claimed. Rounding is performed in the intermediate steps, and the error is addressed using round odd logic. There is no *instruction* which comprises a *rounding factor* that indicates *which of a plurality of rounding algorithms* to use.

2. Gross: The cited portions of Gross (Fig. 6) point to the fix_up mask as a rounding algorithm, and this material is addressed in the Detailed Description (Gross, col. 6, lines 3-14). The relevant provisions indicate:

fixup_mask will be a '1' if stage 1 and stage 2 both contributed an error, and will be a '0' if either or both stages did not contribute an error. In block 507, fixup_mask is subtracted from result to produce the final corrected answer ...
(*Id.*, col. 6, lines 10-14)

Thus, the fixup_mask represents a quantity to be subtracted from an average, thereby producing a final corrected answer. The fixup_mask quantity is based on the rounding performed in the intermediate steps. Gross does not teach or suggest an instruction that can pick the rounding algorithm as claimed.

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PATENT


Neither Lee nor Gross teach an *instruction* which comprises a *rounding factor* that indicates *which of a plurality of rounding algorithms* to use. Claims 1, 8, and 18 are allowable for at least the foregoing reasons. Claims 2-7, 9-17, and 19-21 each recite limitations in addition to those in the independent claims, and these claims are believed allowable for at least the same reasons as given above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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